THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 7th July,2006

W.P.No.24578 of 1999

Between :

Indian Potash Limited, rep.
by its Deputy General Manager
(Marketing-A.P.) Mr. Harish Gulati … Petitioner

and

The District Collector,
Kakinada, East Godavari District
& another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.24578 of 1999

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the search and seizure conducted by the respondents at IST Godown, Port Road, Kakinada and Vijaya Agro Godown, Kakinada, belonging to the petitioner, on 21st and 22nd October,1999 as arbitrary and illegal.

There was an interim direction to the 1st respondent to cause recording of the seized stocks and fertilizers through a responsible Officer not below the rank of Revenue Divisional Officer. Now, a detailed counter affidavit has been filed denying the allegations made by the petitioner and stating *inter alia* that the cost of seized stocks was Rs.4,09,63,780/- and the stock was released on furnishing bank guarantee of Rs.50.00 lakhs, which worked out to 12% of the value of seized stock. The penalty/punishment will be decided on the gravity of the offence committed by the respondent, but not on variations. Petitioner has contravened various provisions of the Control Orders made under Section 3 of the Essential Commodities Act,1955. Proceedings under Section 6-A of the Act have already been initiated and they are being pursued by the authorities.

Since the stocks are released, there is no necessity of passing any further orders in the Writ Petition. The Writ Petition is, therefore, closed leaving liberty to the petitioner to pursue his remedies as available under law, as and when the proceedings under Section 6-A of the Essential Commodities Act,1955 are concluded, if not already concluded. No costs.

07-7-2006

prk